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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,028

09/17/2003

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EXAMINER

KEEFER, MICHAEL E

ART UNIT

PAPER NUMBER

2454

MAIL DATE

DELIVERY MODE

11/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/664,028	Applicant(s) PARK, SOO-HONG	
	Examiner MICHAEL E. KEEFER	Art Unit 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the RCE and Amendment filed 9/30/2008.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1 and 4-5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 and 5-6 of copending Application No. 10/675953. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-4 and 5-6 of '953 disclose all the limitations of claims 1 and 4-5 of the instant application except where in the interface ID area the device ID is placed. The exact placement of the device ID in a specific area of the interface ID area is a matter of routine experimentation and design choice produces predictable results.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinden et al. (RFC 2373, "IP Version 6 Addressing Architecture"), hereafter Hinden, and Marttinen et al. (US 6222853), hereafter Marttinen.

Regarding **claims 1 and 4-5**, Hinden discloses an interface ID having a company ID area and serial number area having an EUI-64 ID format according to an IPv6 address system and using the serial number to identify the device. See page 19, the first figure and page 21, first and second paragraphs which state that the manufacturer id area (i.e. the area labeled 'm') may be used as an extension identifier (as taught on page 21, this identifier can be a serial number, making the 'm' bit area a serial number area).

Hinden discloses all the limitations of claims 1-3 except for a device ID area recorded in the interface ID in an area excluding the serial number and company ID area and that the device ID is between the company ID area and the serial number area.

The general concept of a device ID in an address area is well known in the art as taught by Marttinen. (Fig. 3a and 3b teach including a device ID type for identifying the type of a device in an address structure)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the addressing format of Hinden with The general concept of a device ID in an address area as taught by Marttinen in order to be able to quickly route packets based off of the type of device.

Hinden and Marttinen teach all the limitations of claims 1-3 and 4-5 except for the exact placement of the device ID area within the IPv6 EUI-64 ID (i.e. the device ID is in an area excluding a company ID area and a serial number area of an interface ID area, or exactly within the 4th and 5th upper bits of the interface ID area).

The exact placement of the device ID area within an address field is the subject of routine experimentation and design choice, and yields no unpredictable results, as both the IPv6 address performs its usual function (i.e. allowing packets to be routed on IPv6 networks) and the device ID area performs its usual function (i.e. allowing a device type to be identified based off of a field in its address) therefore it would have been obvious to one of ordinary skill in the art to place the device ID area in any part of the IPv6 interface address structure. This reasoning is supported by *KSR International Co. v. Teleflex Inc.*, 550 U.S.--, 82 USPQ2d 1385 (2007).

Regarding **claims 6 and 8**, Hinden discloses a company id area assigned by a network standard body. (See page 19, the C bits are the assigned company ID. Further,

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in a broader sense, the company ID area space has been assigned by the Network Working Group.)

Regarding **claims 7 and 9**, Hinden and Marttinen together teach identifying devices by both a device ID type and by using a serial number (note the cited portion of Marttinen above, and the cited portion of Hinden above which teach the use of serial number and device type information in an identification address).

Response to Arguments

5. Applicant's arguments filed 9/30/2008 have been fully considered but they are not persuasive.

First, the Examiner will repeat the arguments from the Advisory Action dated 9/11/2008 which rebutted Applicants assertions filed 8/29/2008 which Applicant continues to rely upon in the response filed 9/30/2008.

The Examiner notes that there are other rejections still pending in the Application, so the double patenting rejections of claims 1, 4, and 5 are still maintained. Further, the Applicant asserts that the Examiner does not respond to the previous arguments and amendments. To further clarify, Hinden discloses the EUI-64 format, as well as the general format of an IPv6 network address, as well as using a portion of the address as an area for a serial number. It has been mapped in the pending Office Action where in Hinden these items can be found. The Examiner admits that Hinden does not disclose an area for identifying a type of device. However, Marttinen teaches the use of an area in an address to identify a type of the device. The combination of Hinden and Marttinen does not specifically teach where in the address the field

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containing the device should be however, this is an obvious design choice to one of ordinary skill in the art because the placement of the field within one byte or another of the address does not provide unexpected results.

The Examiner further notes that rejections for newly added claims 6-9 have been made above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL E. KEEFER whose telephone number is (571)270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Joseph E. Avellino/

Primary Examiner, Art Unit 2446